

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR09-219-RAJ
)	
v.)	PROPOSED FINDINGS OF FACT
)	AND DETERMINATION AS TO
NIKOS DELANO DORSEY,)	ALLEGED VIOLATIONS OF
)	SUPERVISED RELEASE
Defendant.)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on January 6, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Kate Vaughn, and defendant was represented by Jay Stansell. Also present was U.S. Probation Officer Jennifer Van Flandern. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on March 24, 2005 by the Honorable James K. Singleton, U.S. District Judge in the District of Alaska, for Possession of Cocaine Base with Intent to Distribute, Possession of a Firearm During and in Relation to and in Furtherance of a Drug Trafficking Crime, and Possession of a Firearm in a School Zone. He received 98 months of detention and 6 years of supervised release.

1 On August 20, 2005, the United States Court of Appeals for the Ninth Circuit ordered the
2 judgment in this case be Affirmed and Remanded for sentencing. On November 29, 2005, Mr.
3 Dorsey was re-sentenced by the Honorable James K. Singleton, U.S. District Judge in the
4 District of Alaska, to 79 months custody to be followed by a 6 year term of supervised release.
5 On July 2, 2009, the Western District of Washington accepted jurisdiction from the District of
6 Alaska.

7 On November 2, 2010, a no action report was submitted to the Court advising that Mr.
8 Dorsey had violated his conditions of supervision by using cocaine. On November 5, 2010, the
9 Court concurred with the probation officer's recommendation for no action.

10 PRESENTLY ALLEGED VIOLATIONS

11 In a petition dated December 10, 2010, U.S. Probation Officer Jennifer Van Fandern alleged
12 that defendant violated the following conditions of supervised release:

- 13 1. Using cocaine on or before October 12, 2010, in violation of standard condition no.
14 7.
- 15 2. Committing the crime of Driving Under the Influence (DUI) on or about October 31,
16 2010, in King County, Washington, in violation of the general condition that he not
17 commit a federal, state, or local crime.
- 18 3. Failing to notify the probation officer within 72 hours of his October 31, 2010,
19 arrest for DUI, in violation of the standard condition requiring he do so.
- 20 4. Failing to participate in a substance abuse evaluation with Sound Mental Health on
21 November 15, 2010, in violation of the special condition that he participate in
22 substance abuse treatment.
- 23 5. Failing to report for substance use testing on November 30, 2010, in violation of the

1 general condition that he submit to drug testing.

2 FINDINGS FOLLOWING EVIDENTIARY HEARING

3 Defendant admitted violations 1, 3, 4, and 5 and waived any hearing as to whether they
4 occurred. The defendant stipulated to the facts in the probation office's memorandum and the
5 police reports regarding his arrest for DUI on October 31, 2010. Based on the memorandum and
6 police reports, the Court found that defendant was arrested for DUI, that his alcohol test results
7 were above .08, and that defendant violated condition 2. Defendant was informed the matter
8 would be set for a disposition hearing on January 21, 2011 at 11:00 a.m. before District Judge
9 Richard A. Jones.

10 RECOMMENDED FINDINGS AND CONCLUSIONS

11 Based upon the foregoing, I recommend the court find that defendant has violated the
12 conditions of his supervised release as alleged above, and conduct a disposition hearing.

13 DATED this 6th day of January, 2011.

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16 BRIAN A. TSUCHIDA
17 United States Magistrate Judge
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